

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, DECEMBER 17, 2015

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, December 17, 2015, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Culver
Councilpersons:	Russell, Robinson, Kling, Showers
Mayor:	Battle
City Administrator:	Hamilton
City Attorney:	Joffrion
City Clerk-Treasurer:	Hagood

President Culver called the meeting to order.

Pastor Todd Noren-Hentz led the invocation;
Councilwoman Robinson led the pledge of allegiance.

President Culver stated that the next item on the agenda was Approval of Minutes.

The minutes of the Regular Meeting of the Council on December 3, 2015, were approved as submitted.

President Culver moved to take Item 15.f on the agenda, Resolution No. 15-949, out of order at this time.

Said motion was duly seconded by Councilman Showers.

President Culver called for the vote on the above motion,, and it was unanimously approved.

President Culver read and introduced a resolution authorizing the acceptance of donations, as follows:

(RESOLUTION NO. 15-949)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Culver stated that the next item on the agenda was Resolutions and Special Recognitions.

President Culver recognized Mayor Battle.

Mayor Battle asked Mr. Phil Riddick to come forward, noting that he was the County Commissioner for the Southeast District, and that he worked very closely with the City of Huntsville, that they had worked together on dog parks, on Green Mountain, and on many, many projects. He continued that Mr. Riddick had been a great partner with the City.

Mayor Battle asked Councilwoman Robinson to join them on the stage, noting that this was also her district. He stated that Mr. Riddick and Councilwoman Robinson shared a district, and that they had both been working on Ditto Landing. He stated that he believed they had come up with an idea about Ditto Landing and how they could split the pie and partner together to make sure this would happen.

Mayor Battle asked Mr. Riddick to explain what was planned to be done in this regard.

Mr. Riddick stated that this had been started some time ago, and that it had come to fruition approximately a year

prior, noting that when they had done the BIG Picture, one of the big events they had done was at Ditto Landing. He continued that from this there had come a master plan, and that at this time they had to take the master plan and put some reality to it. He stated that the project they were going to do at this time was some of the engineering and site work to begin implementing the master plan.

Mr. Riddick asked Councilwoman Robinson if she would like to add any comment to this.

Councilwoman Robinson stated that she believed persons did not understand that Ditto Landing was not owned by either the County or the City, that, rather, it was a private authority. She stated that, therefore, what they were looking at it in this regard was a partnership between the City, the County, and the Ditto Board to revitalize Ditto Landing. She stated that it would take these three entities working together, noting that it was a wonderful vision and a big project, which could not be done by anyone doing it alone. She stated that this was a great partnership and she applauded Commissioner Riddick for being a part of it.

Mr. Riddick stated that at this time they had a check in the amount of \$35,000 that they wanted to donate to the City for the work they would be doing. He stated that even though Commissioner Eddie Sisk was not present at this time, that as they went forward, he would be committing personnel, material, and equipment to be part of the project, as well.

Mayor Battle stated that they would accept this check for \$35,000, and they would match this with \$35,000, and that the Ditto Landing Authority would also put in \$35,000. He continued that this would give them the money for the master plan, in order to move forward with Ditto Landing. He thanked them for the check and for the great partnership.

Mayor Battle asked Joy McKee, Director of Landscape Management, to come forward.

Ms. McKee stated that, as Mayor Battle was aware, they had been working on Glenwood Cemetery for approximately two years. She stated that they wanted to make sure that the oldest African American Cemetery in the city of Huntsville was well taken care of. She stated that to begin their next steps, they wanted to be sure they had knowledge of every grave they could possibly find there, and the stones.

Ms. McKee stated that at this time they wanted to honor two volunteers. She continued that there had been approximately 70 volunteers who helped on this project, but they wanted to specifically hone in on two volunteers whom she noted had been unbelievable. She stated that their civic duty had gone way beyond anything they could ever imagine, as well as their expertise going way beyond anything they could ever imagine. She stated that they had literally put in hundreds of hours of volunteerism.

Ms. McKee asked one of the volunteers, Ann Nelson Marshall, to come forward.

Ms. McKee stated that Ms. Marshall was an anthropologist and a historic archeologist with an interest in cemetery studies. She stated that Ms. Marshall was a member of the Alabama Folklife Association and the National Association of Gravestone Studies, serving as its Alabama chapter secretary.

Ms. McKee stated that Ms. Marshall had been responsible for getting this project started, with professional support from the National Association of Gravestone Studies. She continued that they called Ms. Marshall the "Cemetery Geek." and that she was also known as the "Team Mom," that she was everybody's mom and that they could not have done a lot of the things they had done without her touch and her interest. She stated that she was a great field worker and a mapping queen.

Ms. McKee stated to Ms. Marshall that they just could not say how much they appreciated her.

Ms. McKee asked that Ms. Marshall's family and supporters stand to be recognized.

Ms. McKee asked Ms. Claire Woerner to step forward.

Ms. McKee stated that Ms. Woerner was a Huntsville native who had graduated from Warren Wilson College in Sociology and Anthropology. She stated that Ms. Woerner's father had read the newspaper article concerning the project at Glenwood Cemetery and there were volunteers needed, and that he had told Ms. Woerner that she needed to participate in it. She asked that Ms. Woerner's family and supporters stand to be recognized.

Ms. McKee stated that Ms. Woerner's father had suggested to her that until her internship at the Bureau of Land Management in Kentucky started, this would be a good project for her.

Ms. McKee stated that Ms. Woerner had really proven herself in the field, noting that she was known as "The Finder." She stated that Ms. Woerner could read inscriptions that no one else could seem to read, and that she loved the handmade headstones. She continued that the favorite of her interesting finds was "Absent, Not Dead."

Ms. McKee stated that Ms. Woerner had spent countless hours at the cemetery, documenting each grave, and that she had been responsible for discovering the Connally grave, noting that this was especially important because Ms. Connally had been looking for this grave for 20 years, and no one could find it.

Ms. McKee stated that Ms. Woerner hoped to return to Huntsville and continue her work with Ms. Marshall and the Association of Grave Studies and the Huntsville Cemetery Department. She continued that they certainly had much more to do with Maple Hill and 80 to 100 thousand headstones, as well as others.

Ms. McKee stated that these contributions would make it possible for families to find their deceased loved ones in the city's cemeteries. She stated that they had a GIS office, matching and search tools, and this would be made available on

the City's website. She stated that this was another first for municipal cemetery management practices, and that it had been made possible only by the volunteers and the hundreds of hours they had given them.

Ms. McKee stated that she also wanted to recognize Robin Cox, a staff member who had been assisting with this project with all the volunteers. She stated to Ms. Cox that they certainly appreciated her.

Ms. McKee thanked the volunteers for all they had done, noting that the families would get so much out of this. She stated that it would also help them to fundraise and get on the National Historic Registry. She stated that she certainly hoped they would continue to help them with this.

Mayor Battle presented certificates and coins from the City to Ms. Marshall and Ms. Woerner, noting that the coin from the City was for persons who had done something good for the city, to improve the city, make the city a better place. He thanked them for doing such a great job on this project.

Mayor Battle asked how many graves were in Glenwood Cemetery and how many they had been able to find.

Ms. Marshall stated that there were a little more than 1,000, and there were approximately 120 remaining to be done.

Ms. Cox stated that each grave had been photographed, recorded, and documented, measured, and that this had been entered in the data.

Mayor Battle stated that all they had done was certainly

appreciated.

Mayor Battle stated that this was a bittersweet night in the city, noting that there were two persons who had been with the City for 28 years and 42 years, respectively, noting that this added up to 70 years' worth of experience of these persons who were retiring from the City. He stated that both of these persons had been integral to the City, that they had made the City work and made the City a better place. He stated that they would be holding special events for both of these persons on the following day, the following week, and even into January.

Mayor Battle stated that Peter Joffrion had been the City Attorney for the past 22 years and had been with the City for 28 years. He stated that this would be Mr. Joffrion's last Council meeting. He stated that Mr. Joffrion had really made a difference in the City and that he wanted to thank him from the bottom of his heart. He continued that Mr. Joffrion had kept the City on an even keel, that he had given the Administration and the Council wise, sage advice. He stated that at times persons had ignored this advice, noting that this was to their own peril. He thanked him for his many years of service to the City.

Mayor Battle stated that sitting next to Mr. Joffrion at this time was his replacement, Mr. Trey Riley, who would be coming on at the next Council meeting.

Mayor Battle recognized Mr. Chuck Hagood, noting that he

had been in the Clerk-Treasurer's Office for 42 years and had been City Clerk-Treasurer for 25 years. He stated that anyone who had run for election had gone to see Mr. Hagood and filed papers with him. He stated that he collected money for the City and kept the records for the City. He stated that for 42 years, Mr. Hagood had been integral in making sure the City was run right and they had done the right things. He stated that he would certainly be missed. He reminded Mr. Hagood that they had his cell phone number, and that elections would be coming up.

Mayor Battle thanked Mr. Hagood for 42 great years and for being such a stalwart for the City. He stated that he had made sure that the City ran smoothly. He thanked him for 42 great years with the City.

Mayor Battle stated that Mr. Ken Benion was sitting next to Mr. Hagood, noting that he would be in Mr. Hagood's position at the next Council meeting. He stated that this would be a learning process in both positions, but that he felt they had some fine persons to fill these positions.

Mayor Battle stated that they were certainly going to miss the persons who had been with the City for so many years and again thanked them for their service.

President Culver stated that he wanted to echo Mayor Battle's sentiments, noting that Mr. Joffrion and Mr. Hagood were certainly going to be missed. He stated that he was very appreciative of them and grateful to them for the

numerous services they had provided, not only to the Mayor and the Council but to the community.

President Culver stated that the next item on the agenda, under Resolutions and Special Recognitions, was Announcements. He stated that the Council would be holding a work session on Thursday, January 7, at 5 p.m., in the Council Chambers. He stated that one item that would be included for discussion was concerning the Alabama Non-Violent Offenders Program. He continued that there was the possibility that another item would be added, being a presentation on the increase in the minimum wage.

President Culver stated that if any Council member had any items they would like to add to this work session, they should feel free to communicate that to him.

President Culver stated that the next item on the agenda was Public Hearings to be Held.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-824, rezoning property lying east of U.S. Highway 431 South and on the south side of Caldwell Lane from Residence 1-A District to Residence 1-B District, which hearing was set at the November 5, 2015, Regular Council Meeting.

President Culver recognized Ms. Ashley Nichols of the Planning Division.

Ms. Nichols stated that the subject property was approximately 60.98 acres and was located east of U.S.

Highway 431 South and on the south side of Caldwell Lane. She stated that on the display the hatched portion was the part of the property that was proposed for rezoning. She stated that it was currently zoned Residence 1-A District. She continued that in 2012, when this property was newly annexed and zoned, the property was split into two zoning designations, Residence 1-A and Residence 1-B.

Ms. Nichols stated that the property owner was petitioning that the property be rezoned to Residence 1-B, which she noted would make the entire property zoning designation consistent. She stated that, also, the property owner had decided to apply Plat Restrictions to the property. She stated that on the display, for the hatched portion only, there would be a minimum of 100-foot lots on the southern and eastern boundaries of the property. She stated that typically the Residence 1-B District lot sizes were much smaller than the Residence 1-A District, and that this would provide some type of buffer to the adjacent neighborhoods.

Ms. Nichols stated that this rezoning had been recommended by the Planning Commission. She stated that this was a portion of an existing residential subdivision.

President Culver asked if there was anyone in the audience who would like to address the Council on this particular issue.

There was no response.

President Culver stated that the public hearing was closed.

Councilman Kling moved for approval of Ordinance No. 15-824, rezoning property lying east of U.S. Highway 431 South and on the south side of Caldwell Lane from Residence 1-A District to Residence 1-B District, which ordinance was introduced at the November 5, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-824)

Said motion was duly seconded by Councilman Showers.

President Culver called for the vote on the above ordinance, and it was unanimously adopted.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-826, zoning newly annexed property lying north of Caldwell Lane and on the east side of King Drake Road as Residence 1-A District, which hearing was set at the November 5, 2015, Regular Council Meeting.

President Culver recognized Ms. Nichols of the Planning Division.

Ms. Nichols stated that this was newly annexed property, consisting of approximately 3.35 acres, located north of Caldwell Lane and on the east side of King Drake Road. She stated that the Planning Staff was proposing a zoning district of Residence 1-A, which she noted was consistent with the adjacent single-family residential dwellings south of the property. She stated that this was currently vacant residential property.

Ms. Nichols stated that this zoning had been recommended by the Planning Commission.

President Culver asked if there was anyone in the audience who would like to address the Council on this particular matter.

There was no response.

President Culver stated that the public hearing was closed.

Councilman Russell moved for approval of Ordinance No. 15-826, zoning newly annexed property lying north of Caldwell Lane and on the east side of King Drake Road as Residence 1-A District, which ordinance was introduced at the November 5, 2015, Regular Council, as follows:

(ORDINANCE NO. 15-826)

Said motion was duly seconded by President Culver.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on the above ordinance, and it was unanimously adopted.

President Culver stated it was the time and place in the meeting for a public hearing on Ordinance No. 15-828, zoning newly annexed property lying on the east side of U.S. Highway 231/431 North and on the north and south sides of George Chapman Drive as Highway Business C-4 District, which hearing was set at the November 5, 2015, Regular Council

Meeting.

President Culver recognized Ms. Nichols.

Ms. Nichols stated that the above property was also newly annexed property, and that it was approximately 13.42 acres and was located on the east side of U.S. Highway 231/431 North and on the north and south sides of George Chapman Drive. She stated that the Planning Department was recommending a zoning designation of Highway Business C-4 District, which she noted was consistent with the property located south of this property, which she noted was also zoned Highway Business C-4 District, and was consistent with other properties along the North Parkway area. She stated that this was currently vacant land.

Ms. Nichols stated that this zoning had been recommended by the Planning Commission.

President Culver asked if there was anyone in the audience who would like to address the Council on this particular issue.

There was no response.

President Culver stated that the hearing was closed.

Councilman Showers moved for approval of Ordinance No. 15-828, zoning newly annexed property lying on the east side of U.S. Highway 231-431 North and on the north and south sides of George Chapman Drive as Highway Business C-4 District, which ordinance was introduced at the November 5, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-828)

Said motion was duly seconded by President Culver.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on the above ordinance, and it was unanimously adopted.

President Culver stated that the next item on the agenda was Communications from the Public. He asked that when a person's name was called, they should go to the microphone and state their name and address for the record. He continued that they would then have approximately three minutes to address the Council.

Ms. Tami Buckey, 101 Windsor Hill Road, SW, appeared before the Council. She stated that she was intending to move into the Five Points or Chapman Heights area in the near future.

Ms. Buckey stated that her question had to do with what kind of resources were available for elderly persons on fixed incomes that needed home repairs, specifically weatherization and roofing.

President Culver asked if Mr. Scott Erwin could meet with Ms. Buckey to discuss this matter.

Mayor Battle stated that there were two different programs concerning this that they could discuss. He stated that CASA had a weatherization program, which he noted was a very good program. He stated that, also, Community Development worked

with persons on such issues. He stated that they worked with churches and volunteer groups in this regard. He stated that he was not certain of their specific services, but he believed that Mr. Erwin could explain this to Ms. Buckey.

President Culver stated that, also, Community Action Partnership did weatherization. He continued that she could contact them at 256-851-9800.

Councilman Kling stated that Mr. Joe Gehrdes of Huntsville Utilities was in the audience and stated that he was aware that they did energy surveys, and that possibly he could meet with Mr. Erwin and Ms. Buckey on this matter.

Mr. Gehrdes stated that he had handed his card to Mr. Erwin so that he could pass that information on to Ms. Buckey.

Ms. Jo Petersen, Tuliptree Drive, appeared before the Council, stating that she was aware that what she was about to speak concerning was a subject the Council did not want to hear about. She continued that two women had spoken at the prior Council meeting regarding the Women's Clinic and the AAA School on Sparkman Drive, and that she wanted to respond to some of their comments. She stated that as Mr. Joffrion had stated at the time, the City had not put the clinic in that location, that the clinic had moved there from its long-time location on Madison Street, one block from the most historic and wealthiest neighborhoods in the city, because of TRAP laws passed by the State. She stated that they had enacted new laws in an effort

to close down the clinic, and that because it was not possible for the clinic to meet those specifications, they had bought the facility on Sparkman Drive and relocated there.

Ms. Petersen stated that there were many businesses that persons did not like, and that this was one of those businesses. She stated that her group had been told that there was a movement attempting to have a bill passed prohibiting the operation of an abortion clinic within 2,000 feet of a school in order to protect the children.

Ms. Petersen stated that if passed, such a bill would not protect any school in the city, that protesters would still be able to protest in front of any school, on any subject, with their signs, et cetera, and that that was being done throughout the country.

Ms. Petersen stated that the local group of anti-choice protesters contended that school children should not be exposed to what went on in the abortion clinic. She stated that these persons had been protesting at this location when it was an OB/GYN clinic, prior to the abortion clinic having ever thought about moving to that location. She stated that many persons had stated that they would not know what was located in this building if the anti-choice protesters were not there.

Ms. Petersen stated that a few weeks prior, at one of the anti-choice protests, a local minister's wife had spoken and she had thanked the protesters for being there because she would not have known what was in that building if they had not

been there. She stated that although this woman was very concerned about the children at the school, she was accompanied at that time by her two young daughters who attended the AAA School. She continued that it was not unusual for protesters to bring their own children to their protests.

Ms. Petersen stated that these persons had not been concerned about the children when the clinic was located on Madison Street, although there was a daycare two doors away and Huntsville Middle School was within 2,000 feet.

Ms. Petersen stated that the 2,000-foot bill would not stop them from protesting. She stated that if the clinic were closed, the doctor who had been there would be very likely to relocate back to the facility on Sparkman Drive, if she had not been run out of business, and the protesters would be back at the location again.

Ms. Petersen stated that persons had been told that there was nothing the City could do about this matter, but noted that she understood that there were laws about buffer zones that had been created in other cities that had withstood legal challenges. She stated that they wanted to encourage the City Legal Department to extensively research what would be needed to enact an ordinance with time and place restrictions of any protests within a specified distance of any school or licensed daycare.

Ms. Petersen stated that the anti-choice protesters currently protested the doctor's private OB/GYN practice

located on Madison Street, yelling at pregnant women going in for their medical care. She stated that the anti-choice group's sole goal was to try and drive this doctor out of business. She continued that this doctor accepted Medicaid, which she noted UAB had recently stopped accepting, because the doctor felt the women in this area needed excellent medical care, which she could provide.

Ms. Petersen stated that it was not the clinic or the doctor that were the problem, that it was the anti-choice protesters.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, expressing appreciation to the Council for allowing public input.

Ms. Reed stated that she was very sad to see Mr. Joffrion and Mr. Hagood leave. She stated that she was not a City employee but she had sure been with them since 1980. She continued that she had been especially close to Mr. Hagood at election time, noting that he kept persons straight and made them "walk the chalk." She stated that she was sure she would be looking for him. She stated that she was going to miss both Mr. Hagood and Mr. Joffrion very much.

Ms. Reed wished everyone a safe and happy holiday season and a very Merry Christmas. She thanked all the City employees for the good job they did. She stated that she wanted to promise them a bigger salary in the following year for Christmas. She stated that the City had a lot of money to do

what they wanted to do, and that she was sad they had not given the employees more than they had.

Ms. Reed stated that she had told Santa not to bring her anything because she had not been good this year, and she was not going to be good the following year, that she was going to just get bigger and better at what she was doing. She stated that she was not going to be good but was going to be good at it.

Ms. Reed asked that the Council hold Items 15.c, Resolution No. 15-984; 15.d, Resolution No. 15-985; and 15.e, Resolution No 15-986, on the agenda, and especially the big jail deal, with the \$50 million overrun, Item 15.cc, Resolution No. 15-988. She stated that she wanted 15.cc explained.

Ms. Reed asked if any of the items under Huntsville Utilities Items included the meter readers that were supposed to be coming in, which she noted had been taken out in California. She asked if meter readers were going to be doing the work of the Utilities workers, and they would be going away. She stated that she understood that this would cost many millions of dollars.

Ms. Reed stated that on Jack Coleman, around the circle, they were not mowing the grass, and that it was really a mess down in there. She stated that she believed this was in Councilman Showers' district, and he would have to look into this. She stated that this was on Jack Coleman Circle, and that persons had mentioned this to her. She stated that it

upset her that persons did not know who their Council member was and stated that she was going to educate them concerning this in the following year. She stated that then persons could go to the Council persons and only come to her second.

Ms. Reed asked them to get up whatever was sitting in the middle of the street on O'Shaughnessy with the trees in them so the people could drive better in their neighborhood. She stated that she did not know who had put this down or what it was about, but approximately five people had contacted her concerning this.

Ms. Reed stated that she did everything she could to help everyone, and that she was aware that this put the Council in the hot seat.

President Culver asked Mr. Joe Gehrdes of Huntsville Utilities if he could address the meter issue Ms. Reed had raised.

Mr. Gehrdes stated that this was somewhat putting the cart before the horse because he would be addressing this in just a few minutes. He stated that he believed what Ms. Reed was referring to was agenda Item 8.e, Ordinance No. 15-912, where there was a reference to meters. He stated that all these changes were codifying policies that were already in place. He continued that he believed what Ms. Reed was referring to was their intent to in the future move to what was commonly referred to as "Smart Metering." He continued that what was coming before the Council did not concern that. He continued

that no actual changes were represented in the items that were to be brought before the Council at this meeting.

Mr. Jesse Pollard, 6731 Steeplechase Drive, appeared before the Council, stating that due to the recent closure of the Breaking Free Rescue Mission, he had recently started working closely with the other homeless shelters and rescue missions in the area, which had led him to learn that the Rose of Sharon was in danger of closing due to lack of funding.

Mr. Pollard stated that his question to the Mayor and the Council was if there was any work in progress to help these shelters stay afloat and if there was any extra funding that was available for these shelters to apply for.

Mr. Hamilton stated that the predominance of the City's efforts and resources in this regard were funneled through NACH, the North Alabama Coalition for the Homeless, which organized all the private entities that engaged in serving the underprivileged population. He stated that NACH did a great job of assisting those organizations in pursuing Federal and State grants and working with them on fundraising and things such as that.

Mr. Hamilton stated that he was familiar with the Rose of Sharon, noting that they had worked very effectively in private fundraising, and that he believed they would also be very competitive for grants, et cetera, and that they could work this through NACH. He continued that it was his understanding that they were a member of NACH, so that they were probably

actually working on that at this time.

President Culver stated that the next item on the agenda was Huntsville Utilities Items.

Councilman Russell moved for approval of Ordinance No. 15-908, amending Chapter 26, Article II, Electric Service, Division 2, Service Regulations, Section 26-84, Standards of Customer's Wiring, Section 26-87, Deposit, Section 26-89, Billing, Section 26-96, Notice of Trouble, Section 26-102, Right of Entry, Section 26-103, Termination of Contract by Customer; Division 3, Rates, Charges and Service Classifications, Subdivision II, Residential Rate, Section 26-143, Character of Service, Section 26-146, Payment; Subdivision IV, Outdoor Lighting Rate, Section 26-193, Payment, Section 26-195, Rates-Generally, of the City of Huntsville Code of Ordinances, which ordinance was introduced at the December 3, 2015, Regular Council Meeting. as follows:

(ORDINANCE NO. 15-908)

Said motion was duly seconded by Councilwoman Robinson.

President Culver asked Mr. Joe Gehrdes of Huntsville Utilities for an explanation of the above ordinance.

Mr. Gehrdes stated that this ordinance had been brought before the Council at the prior meeting, along with the other ordinances that had been introduced. He stated that these ordinances did not represent any actual changes in policy, that what they were doing with all five ordinances was bringing their policies and the City Code into agreement, because they

were putting all their customer policies in one document for customers to review. He continued that this would be made available on line. He stated that they had not wanted to do this until the City Code and their policies were in agreement. He stated that all these policies were in place, with many of them having been adopted by the Council, and to what extent they could, policy changes they had made themselves, referring to anything from right of entry to codes and standards, and various and sundry things of that nature.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 15-908, and it was unanimously adopted.

Councilman Kling moved for approval of Ordinance No. 15-909, amending Chapter 26, Article III, Natural Gas Service, of the City of Huntsville Code of Ordinances, consisting of 21 sections, which ordinance was introduced at the December 3, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-909)

Said motion was duly seconded by Councilman Showers.

President Culver recognized Mr. Gehrdes.

Mr. Gehrdes stated that, once again, there were no real changes in this, that it was just bringing their policies into agreement with the City Code so they could publish them in a document that would be accurate for their customers to review.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 15-909, and it was unanimously adopted.

Councilman Russell moved for approval of Ordinance No. 15-910, amending Chapter 21, Article II, Sewers and Sewage Disposal, Section 21-276, Billing, of the City of Huntsville Code of Ordinances, which ordinance was introduced at the December 3, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-910)

Said motion was duly seconded by Councilman Showers.

President Culver recognized Mr. Gehrdes.

Mr. Gehrdes stated that Huntsville Utilities was not in the sewer business, that this was a City function, but they did serve as the billing agent for the City for this. He stated that, again, they were bringing the City Code and their policies into agreement.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 15-910, and it was unanimously adopted.

Councilman Kling moved for approval of Ordinance No. 15-911, amending Chapter 22, Article IV, Solid Waste, Section 22-187, Penalty for Nonpayment, of the City of

Huntsville Code of Ordinances, which ordinance was introduced at the December 3, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-911)

Said motion was duly seconded by Councilman Showers.

President Culver recognized Mr. Gehrdes.

Mr. Gehrdes stated that this ordinance addressed the fact that they served as the City's billing agent for the City's garbage collection.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on the above ordinance, and it was unanimously adopted.

Councilwoman Robinson moved for approval of Ordinance No. 15-912, amending Chapter 26, Article IV, Water Service, Division 4, Deposits, Section 26-581, Generally; Division 5, Meters, Section 26-607, Fire Protection and Fire Service Lines and Systems, Section 26-608, Tests; Division 6, Rates and Charges, Billing and Collection Procedures; Subdivision II, Billing and Collection Procedures, Section 26-641, When Consumers Billed, Section 26-644, Penalties; Division 7, Water Conservation Plan, Section 26-677, Mandatory Conservation Stage Implementation, of the City of Huntsville Code of Ordinances, which ordinance was introduced at the December 3, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-912)

Said motion was duly seconded by Councilman Kling.

President Culver recognized Mr. Gehrdes.

Mr. Gehrdes reiterated that this was bringing their current policies into agreement with City Code so that they could be published in an accurate document for their customers.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on the above ordinance, and it was unanimously adopted.

Mr. Gehrdes stated that he would like to make one brief announcement. He stated that on the following afternoon at 4:30, they would be out on the Tinsel Trail at the Huntsville Utilities tree with hot cocoa and crafts for as long as the crafts lasted. He stated that their tree was located at the east end of the Tinsel Trail, right by the Big Spring Grotto, where the water fountain was.

Mr. Gehrdes stated that he would like to thank Mr. Joffrion and Mr. Hagood, noting that he had been working with them for almost 15 years, and that he had always found them to be available to answer his many questions. He thanked them for everything they had ever done for him professionally, and also on Huntsville Utilities' behalf.

President Culver stated that the next item on the agenda was Board Appointment Nominations.

Councilman Kling nominated Steve Hettinger for appointment

to the Solid Waste Disposal Authority of the City of Huntsville, Fourth Director, for a term to begin January 12, 2016, and expire January 12, 2020.

Councilman Kling nominated Dr. Eddie Green for reappointment to the Medical Clinic Board of Huntsville, Alabama-1973, for a term to begin January 24, 2016, and expire January 24, 2022.

Councilman Kling nominated Ernest J. Potter, Jr., for reappointment to the University of Alabama in Huntsville Public Educational Building Authority, for a term to begin January 14, 2016, and expire November 11, 2021.

President Culver stated that the next item on the agenda was Approval of Expenditures.

Councilman Showers read and introduced a resolution authorizing expenditures for payment, as follows:

(RESOLUTION NO. 15-950)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

President Culver asked Councilman Showers if there was a Finance Committee Report.

Councilman Showers replied in the negative.

President Culver stated that the next item on the agenda was Communications from the Mayor.

President Culver recognized Mayor Battle.

Mayor Battle asked that everyone keep in their thoughts

and prayers the police officer who had been injured on the job on the prior Friday. He continued that he wanted to congratulate Mr. Tommy Brown, Director of Parking and Public Transit, and his staff, for the job they had done in acting as EMA's until the HEMSI medics could arrive on the scene and make sure the officer came out okay, as he was in some dire straits. He thanked them for the job they did. He stated that persons should keep the officer in their thoughts and prayers for a quick recovery, as well as keeping his family in their prayers.

Mayor Battle stated that one of the city's first nighttime Christmas parades was going on at this time.

Mayor Battle stated that there was a lot going on for the Christmas season, that there was ice skating at the park, the Tinsel Trail, Santa's Village, and the Galaxy of Lights.

Mayor Battle stated that Ms. McKee had a New Year's event that would be happening at Big Spring Park, with fireworks, sponsored by Terrame, and that they would raise money for Operation Green Team.

Mayor Battle wished everyone a Merry Christmas and a Happy and Prosperous New Year. He thanked persons for being part of the city of Huntsville.

President Culver stated that the next item on the agenda was Communications from Council Members.

President Culver recognized Councilman Showers.

Councilman Showers stated that during the week he had attended the grand opening of a One-Stop Shop in one of the

neighborhoods, noting that this event was well attended.

Councilman Showers stated that he had also attended the Alabama New South Coalition and had brought greetings on behalf of the Mayor and the Council.

Councilman Showers congratulated Mr. and Mrs. Lawrence McCrary, noting that they had been married on the previous Saturday at Union Chapel Missionary Baptist Church.

Councilman Showers stated that he would like to recognize the persons that were retiring, noting that Mr. Hagood's retirement party would be on the following day.

Councilman Showers wished everyone a Merry Christmas and a Happy New Year.

President Culver recognized Councilman Russell.

Councilman Russell stated that he would like to thank the Huntsville Ballet Company for inviting his wife and him to participate in the opening scene of The Nutcracker, noting that they had played the grandparents. He stated that it had been great fun.

Councilman Russell thanked Mr. Hagood and Mr. Joffrion for their years of service with the City, noting that he had enjoyed working with them. He continued that they both had the patience of Job and that he really admired that.

Councilman Russell stated that he had seen something in the news about the police with body cameras and asked if Mr. Hamilton could provide an update as to the status of this.

Mr. Hamilton stated that they had received 10 sample

copies of one of the camera systems they were focused on at this time. He stated that they had had some demonstrations as to how this particular model worked and how they intended to use it.

Mr. Hamilton stated that the 10 copies were available to them to use for field testing, to make sure they actually performed the way they were needed to perform. He stated that they would be used through a variety of shifts in all the precincts to get a sense of exactly how they worked.

Mr. Hamilton stated that assuming they did work, they would expect to place requisitions on them within the next few weeks. He stated that they did not know exactly how long the lead time would be. He continued that there was a significant demand for body cameras of all varieties throughout the country. He stated that in most cases, what they saw was fairly significant lead time to actually get them in. He stated that they expected to be able to get them in in 2016, as they had discussed previously. He stated that they would see some pretty good results in the next few weeks and get an understanding as to how they were going to fit on the uniform, and how they would perform for them.

Mr. Hamilton stated that one of the things he liked about this particular model was that it actually synchronized with the dash cams. He stated that one of their stated goals had been to preserve the dash cam program, the audio it captured, as well as the camera footage, along with the body cams. He

stated that this would give another perspective, noting that one could imagine a particular situation where there was one angle coming from the dash cam and another angle coming from the body cam, so one could really synchronize these together to give a more robust picture of what might have occurred at a particular scene.

Mr. Hamilton stated that they wanted to get equipment that worked that way, and that was what was being tested at this time.

Councilman Russell stated to Mr. Hamilton that he was very interested in the policy and inquired as to the status of this. He asked when this would be coming before the Council.

Mr. Hamilton stated that it had been drafted, and that right after the first of the year, the Police would actually come in to do a presentation, along with himself and Mayor Battle, to lay that out, and then it would come before the Council. He continued that if they were looking to do another work session in February, they could lay out a good executive summary of a number of things, not only the policies that dictated how the police would use them at the scene, but that also there were other rules, as to how long to retain the videos, the laws that governed the release of the videos, these types of things.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that she was aware that everyone's focus had been on Christmas, with all the events

that were going on in the city, such as the parade, Tinsel Trail, the ice skating, Santa's Village, and the Galaxy of Lights. She stated that Huntsville did Christmas in a wonderful way.

Councilwoman Robinson stated that she was already thinking ahead to January and that she had some January events scheduled that she wanted to make everyone aware of. She stated that on January 11, she would be having a Town Hall meeting that would focus on the South Huntsville overpasses. She stated that anyone who had driven on South Parkway had seen this work going on. She continued that it had been amazing, the level of activity and commitment that was being made to honor the 3 1/2-year deadline for those two overpasses and the Martin Road interchange. She stated that there had been a lot of questions raised about the overpasses, so they were going to hold this town hall meeting on these overpasses on Monday night, January 11, at 6:30 p.m. at the Bailey Cove Library. She invited anyone who would like to hear from representatives from the Alabama Department of Transportation, as well as Kathy Martin, the City Engineer, to attend this event. She stated that they would be there to make this presentation and give updates on the schedules, the timelines, and the processes.

Councilwoman Robinson stated that the South Huntsville Business Association would be meeting on January 12. She continued that Col. Bill Marks, the Garrison Commander, would

be meeting with the members of the South Huntsville Business Association to talk about the relationship between the Arsenal and the businesses along South Parkway and how they could work together more effectively.

Councilwoman Robinson stated that her New Year's resolution was to start a newsletter, a monthly electronic newspaper. She continued that she would be sending the first edition of that out in January, with updates about issues. She continued that the first one would focus on the overpasses because that was a hot topic at this time.

Councilwoman Robinson stated that she would like to add her thanks to those that had already been offered to both Mr. Hagood and Mr. Joffrion for their service. She stated that Mr. Hagood had been extremely patient in working with her, and she wanted to thank him for that. She stated that Mr. Joffrion had also been very patient with her as she had asked him questions and had always been very knowledgeable. She stated that they would both be missed very much.

Councilwoman Robinson wished everyone a very Merry Christmas and a blessed New Year.

President Culver recognized Councilman Kling.

Councilman Kling stated that he had recently had the auspicious honor of being able to put on a Smokey, Fire Fighter Dog, costume and go to the firefighters' underprivileged children's Christmas Party. He stated that he had walked around for 20 minutes, and that he had felt like a rock star,

that children had been coming up to him so excited because he was Smokey, the dog. He stated that, however, when he had taken off the costume and came out as just a regular old City Council member, they had ignored him. He stated that it had been a great event and a lot of fun to participate in.

Councilman Kling stated that he had recently had the opportunity to participate with numerous firefighters and police officers in their "Shop with a Hero" program. He stated that the City had been well represented at that event, and that it was a great event to attend, noting that he had made a lot of good new friends, and that this helped to bring persons back to what the real spirit of Christmas was all about. He stated that he really appreciated the opportunity to have participated in this.

Councilman Kling stated that one of his favorite events in the city was First Baptist Church's Living Christmas Tree, to be held on the following Friday and Saturday evenings. He stated that it was a great event to see every year, and that it was awe-inspiring. He stated that this was something very special that he was looking forward to attending.

Councilman Kling stated to Mr. Hagood and Mr. Joffrion that he appreciated them and congratulated them on the very great job they had done, and wished them great things for the future. He stated that both of them had done a great job for the community and for the citizens of the city.

Councilman Kling stated that there had been some

discussion about smart meters and stated that he had done some research on this and had spoken to one of the Board members. He stated that he believed they needed to have a very in-depth public discussion about this prior to any financial commitments being made. He stated that one Board member had said it could conceivably cost the City of Huntsville system approximately \$50 million. He continued that that was a ball park estimate that had been given. He stated that he felt they needed to talk about this, including where the money would come from, and how this would impact the ratepayers. He continued that Chattanooga, Tennessee, had had a large grant to basically provide this to the ratepayers at no charge. He stated that he did not believe Huntsville would be that fortunate, but that he believed there should be a very much in-depth financial plan laid out on this before any commitments would be made, so that they would understand the pluses and the minuses of this and know what they were getting into.

Councilman Kling stated that there had been some discussion about upcoming work sessions and stated that he had agreed with the department head to allow the discussion that he had raised about traffic flow to go into the February work session, which would provide them more time to get the data together they wanted to get together. He stated that whether it was at this time or the following week, or the following month, there was a traffic flow problem in the city. He stated that they were growing, and now they had to pay the piper. He

stated that he believed they needed to discuss this in detail, that there was a lot more congestion in the city than there had previously been. He stated that he believed they needed to talk about where they were and where they were going, and steps that could be taken. He stated that he believed Mr. Davis had said they could have all the information concerning this gathered in time for a work session in the first week of February, so that that could be put on the agenda.

Councilman Kling wished the Council members, the Mayor, and the public a very Merry Christmas and a great New Year.

President Culver thanked Councilman Kling for giving the Engineering Department an opportunity to collect the data, noting that he understood they were collecting a lot of data and there would be a very informative work session concerning this in February.

President Culver thanked persons for their concern during his time of loss, noting that he had lost his sister.

President Culver stated that he had certainly enjoyed the Mayor's Christmas party and stated that the City Council would be holding its Christmas party on the following Monday, December 21, from 3 to 5 p.m. He invited persons to join them for this event.

President Culver stated that the Council had a breakfast scheduled with the Huntsville City School Board on Friday, January 8, at 7 a.m. at the EarlyWorks Museum. He stated that this was something that they had traditionally done. He stated

that the Mayor and the Administration were also invited to attend this breakfast.

President Culver stated that Ms. Pearlie Stamper, who had previously worked for the City for many years, was in attendance at the meeting. He asked Ms. Stamper if she would like to speak at this time.

Ms. Stamper appeared at the microphone, stating that she had come to the meeting to wish the Mayor, the Council members, and everyone else a Merry Christmas.

President Culver stated that the next item on the agenda was Unfinished Business Items for Action.

Councilman Showers moved for approval of Ordinance No. 15-922, amending Section 27-91, Definitions, of the Code of Ordinances, which ordinance was introduced at the December 3, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-922)

Said motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was a representative from Community Development who could explain the above ordinance.

Mr. Scott Erwin of Community Development appeared at the microphone, stating that this proposed change clarified the definition of a grass and weed nuisance by adding an "or," noting that it was a one-word change.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 15-922, and it was unanimously adopted.

Councilman Showers moved for approval of Ordinance No. 15-923, amending Ordinance No. 89-79, Classification and Salary Plan Ordinance, which ordinance was introduced at the December 3, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-923)

Said motion was duly seconded by Councilman Russell.

President Culver recognized Mr. Byron Thomas, Director of Human Resources.

Mr. Thomas stated that this was an ordinance to amend the Classification and Salary Plan Ordinance to classify a new position entitled "Digital Media Specialist."

President Culver asked if there was any further discussion of this ordinance.

President Culver recognized Councilman Showers.

Councilman Showers asked Mr. Thomas to tell the Council just what this position was.

Mr. Thomas stated that it was a new position that would work with Administration to provide oversight and some coordination of the digital media, as far as Facebook, et cetera. He stated that this would involve communicating the City of Huntsville's brand throughout the areas.

Mayor Battle stated that, as he understood it, they would also be deleting two slots in ITS. He asked if that was correct.

Mr. Thomas replied in the affirmative, stating that it was the next item on the agenda. He stated that they would delete two part-time Program Analyst I positions.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 923, and it was unanimously adopted.

Councilman Showers moved for approval of Ordinance No. 15-924, amending Budget Ordinance No, 15-642, to modify authorized strength of departments, which ordinance was introduced at the December 3, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-924)

Said motion was duly seconded by Councilman Russell.

President Culver recognized Mr. Thomas.

Mr. Thomas stated that this was the Budget Ordinance to amend the authorized strength to delete the two positions in ITS he had mentioned, as well as to add the Digital Media Specialist position.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 15-924, and it was unanimously adopted.

President Culver stated that the next item on the agenda

was New Business Items for Introduction.

President Culver read and introduced Ordinance No. 15-951, amending Chapter 12, Article VI, Division 1, Stormwater Management, Code of Ordinances of the City of Huntsville, Alabama.

President Culver stated that the next item on the agenda was the introduction of an amendment to the Truck Ordinance, sponsored by Councilman Kling.

President Culver asked if there was any discussion on either of the above items.

Councilman Russell asked if there was anything written on item 14.b., concerning the Truck Ordinance, noting that he had not seen anything on line and did not have a copy of it.

President Culver stated that he believed the Engineering Department and the Legal Department were still looking at this. He stated that it was on the agenda at this time for introduction.

Councilman Kling stated that there should have been paperwork concerning this matter. He stated that anything could be amended or substituted, but that there should have been paperwork attached to this. He stated that it was a draft, and that he did not know what had happened to it at that point.

President Culver stated that Councilman Kling was correct, that there was an introduction of this, but that he did not have it available, that it was not tied into the link. He

stated that if Councilman Kling did not mind, they would just postpone this.

Councilman Kling stated that they could do so but stated that he felt everything should be out in the open. He stated that he had turned it in to the staff, and he had seen a draft, and that he did not know why it had not been connected.

President Culver stated that he had seen that, as well, and that it was most likely just an oversight.

President Culver stated that with Councilman Kling's permission, they would postpone this item and take it up at the next Council meeting.

Councilman Kling stated that it was for introduction only, that he agreed with Councilman Russell.

President Culver stated that they would delete this item at this time and then bring it back.

Councilman Kling stated that that would be one way to do it.

Councilman Russell asked, for clarification, if it was correct that the item had not been introduced, that it had been deleted.

President Culver stated that that was correct, that it was deleted.

Councilman Kling stated that, on his part, he had done what he thought he should have done concerning this item, that he had contacted the appropriate department head, and that he had requested something that was not done. He stated that he

had had a draft, and the draft was turned in to the office staff on the prior morning, and he was told that it would be hyperlinked with the agenda when it went out.

Councilman Kling stated that they could carry the item over, that there was no intent on his part to try to railroad anything. He stated that, if anything, he felt a little surprised and disappointed that it had not been properly handled in the manner in which it should have been handled.

President Culver stated to Councilman Kling that he was correct, that he had received Councilman Kling's draft, and stated that it should have been linked into this particular item. He stated that he apologized for that and stated that it would certainly be remedied by the time of the next Council meeting.

President Culver stated that the Administration had requested that the next item on the agenda, Item 14.c., be approved at this meeting, which he noted would require unanimous consent. He asked if there was a motion.

Councilman Russell stated that he had a point of order. He asked what the Council was voting on. He stated that the Council By-Laws stated that if they were going to consider something by unanimous consent, it must be announced at the beginning of the meeting. He continued that he did not believe this had been announced at the beginning of the meeting. He stated that if they were going to waive the By-Laws, they needed to vote on it.

President Culver moved to waive the By-Laws in order to allow for the introduction of Item 14.c on the agenda for unanimous consent.

Councilman Kling stated that he understood they could do a waiver but asked if they could take this item and put it at the end of the agenda. He continued that they could make a motion for unanimous consent, and then just carry it over to the end of the agenda, so that they would not be pushing it through too quickly, without anyone having the opportunity to look at the hyperlink.

President Culver stated that he would withdraw his previous motion.

Councilman Kling stated that he would support President Culver's previous motion but asked that he amend it to say that there would be unanimous consent to take the item up at the end of the agenda, after Item No. 17, Public Comments. He asked if this could be allowed.

President Culver made a motion to move Item No. 14.c., to the end of the agenda, after Item 17, Non-Roster Communications from the Public.

Said motion was duly seconded by Councilman Showers.

Councilwoman Robinson stated that she believed the motion on the floor was in regard to the introduction of the ordinance and unanimous consent, the initial motion that President Culver had made. She asked if it was correct that that was what was on the floor.

Councilman Kling stated that he would withdraw his motion and suggested that President Culver make his motion to waive the rules, and they could consider that, and if that passed, they could postpone this item until the end of the agenda.

President Culver stated that they would start over on this item.

President Culver moved to waive the Council By-Laws in order to allow for the introduction of this ordinance for unanimous consent.

Said motion was duly seconded by Councilman Showers.

President Culver asked if there was any discussion of this matter.

Councilwoman Robinson stated that it would help her a little bit to understand the urgency on this matter, noting that suspending By-Laws was something that should not be done lightly, that the By-Laws were there for a reason. She asked if they could be given some idea as to why this urgency was required.

President Culver stated that they could do so if they could just get this item moved to the end of the agenda. He stated that the motion was to waive the By-Laws on this particular item.

Councilwoman Robinson stated that that was her point, noting that By-Laws should not be waived lightly. She asked why there was such urgency on this, requiring the waiving of By-Laws.

President Culver stated that it was because this particular item needed to be addressed, and that it needed to be done in a timely manner, prior to the next meeting of the Council.

Councilwoman Robinson inquired as to the consequences of not addressing it prior to the next Council meeting.

President Culver stated that he would ask someone from Public Transit to come up and explain this if they could get this motion for discussion.

Councilwoman Robinson stated that she would not be comfortable voting on this unless she understood this.

President Culver stated that they were just to the point at this time where the motion had been made and properly seconded, and they were getting ready for the discussion.

President Culver asked that someone from Public Transit explain this ordinance.

Mr. Tommy Brown, Director of Parking and Public Transit, appeared at the microphone. He stated that he wanted to apologize for having to do this. He stated that his department had had an audit from the Federal Transit Administration a while back, and one of the things that was required was to make some amendments to their requirements for purchasing and the clauses that were included in those requirements. He stated that it had taken awhile to get this done, and at this time they were down to the wire on getting the response back to the FTA, noting that this had to be done prior to the end of the

current month. He stated that that was why they were asking for unanimous consent on this item at this time. He stated that he would be happy to explain what was involved in this if it became necessary.

Councilwoman Robinson thanked Mr. Brown for the explanation.

President Culver stated that the vote at this time was to waive the By-Laws.

President Culver called for a roll call vote on the above motion, and the following vote resulted:

AYES: Kling, Showers, Culver

NAYS: Russell, Robinson

Councilman Kling stated that in order to kind of simulate had this been announced at the beginning of the meeting and they would be voting on in under Item No. 13, and to try to put some space between this somewhat similar to that, he would move at this time that this item be postponed until after Item 17 on the agenda.

Said motion was duly seconded by Councilman Showers.

President Culver called for the vote on the above motion, and it was unanimously approved.

President Culver stated that they would take up this item, 14.c on the agenda, at the end of the meeting.

President Culver stated that the next item on the agenda was New Business Items for Consideration or Action.

Councilman Russell read and introduced a resolution

authorizing the Mayor to enter into an agency agreement between the City of Huntsville and LeadsOnline, LLC, as follows:

(RESOLUTION NO. 15-953)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Ammo Dump, Inc., d/b/a Larry's Pistol and Pawn, as follows:

(RESOLUTION NO. 15-954)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced an ordinance amending Budget Ordinance No. 15-642 by changing the authorized strength of personnel in various departments, as follows:

(ORDINANCE NO. 15-955)

Councilman Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced an ordinance amending Budget Ordinance No. 15-642, by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 15-956)

Councilman Russell moved for approval of the foregoing

ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder meeting specifications as outlined in the attached Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 15-957)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Sain Associates Consulting Engineers & Surveyors for Construction Project Coordination Services for Redstone Gateway Lake F, Project No. 65-15-SP60, as follows:

(RESOLUTION NO. 15-958)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the low bidder, SJ&L General Contractor, L.L.C., for Freedom Park-Rebid, Project No. 65-15-SP20, as follows:

(RESOLUTION NO. 15-959)

Councilman Russell moved for approval of the foregoing

resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Building & Earth Sciences, Inc., for Engineering Construction Administration Services for Culvert Repair Monitoring at Lake F at Redstone Gateway, Project No. 71-16-SP11, as follows:

(RESOLUTION NO. 15-960)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Garver, L.L.C., for Engineering Design Services for Ditto Landing Master Plan, Project No. 71-16-SP14, as follows:

(RESOLUTION NO. 15-961)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Garver, L.L.C., for Engineering Design Services for Alternate Access Road from Moores Mill Road into Chase Industrial Park, Project No. 71-16-RD04, as follows:

(RESOLUTION NO. 15-962)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Change Order No. 4 to the contract between the City of Huntsville and Reed Contracting Services, Inc., for Martin Road on Redstone Arsenal, Base Bid and Option No. 1, Option No. 2 and Option No. 3, Project No. 65-10-RD09, as follows:

(RESOLUTION NO. 15-963)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, Reed Contracting Services, Inc., for Greenbrier Parkway, Phase II-A, Combining Phase II with TIF Portion of Phase III-B, Project No. 71-16-RD02, as follows:

(RESOLUTION NO. 15-964)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Smith Engineering Co. Inc., for

Engineering Design Services for Weatherly Road Extension, Phase II, aka Haysland Road Extension, Project No. 65-15-RD03, as follows:

(RESOLUTION NO. 15-965)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Littlejohn Engineering Associates, Inc., for Engineering Design Services for Chase Farm Industrial Access Road Sanitary Sewer Design, Project No. 71-16-SS01, as follows:

(RESOLUTION NO. 15-966)

Councilwoman Robinson Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Garver, L.L.C., for Engineering Design Services for Chase Farm Pump Station and Forcemain, Project No. 71-16-SM01, as follows:

(RESOLUTION NO. 15-967)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Garver, L.L.C., for Land Surveying Services for Sanitary Sewer Manhole Mapping, Project No. 71-16-SP10, as follows:

(RESOLUTION NO. 15-968)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Littlejohn Engineering Associates, Inc., for Engineering Design Services for Sanitary Sewer Relocation for Winchester Road Widening, Project No. 65-09-RD03, as follows:

(RESOLUTION NO. 15-969)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced an ordinance declaring certain equipment surplus and to be sold at public auction, as follows:

(ORDINANCE NO. 15-970)

Councilman Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Progress Bank Letter of Credit No. 9000049300 for Legacy Preserve Subdivision, as follows:

(RESOLUTION NO. 15-971)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke CB&S Letter of Credit No. 555582 for Anslee Farms Phase 1 Subdivision, as follows:

(RESOLUTION NO. 15-972)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the City Attorney to seek a forfeiture of the surety bond issued by American Southern Insurance Company, as follows:

(RESOLUTION NO. 15-973)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the City Attorney to seek a forfeiture of the surety bond issued by State Farm Fire and Casualty Company, as

follows:

(RESOLUTION NO. 15-974)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into Modification No. 20 to Supplemental Development Agreement, TIF5 Series 2010-A, between the City of Huntsville and LW Redstone Company, LLC, as follows:

(RESOLUTION NO. 15-975)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and MOVE Digital, as follows:

(RESOLUTION NO. 15-976)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell moved for approval of a request for authorization to advertise and fill one Digital Media Specialist, Grade 15, at higher than minimum if necessary, which motion was duly seconded by Councilwoman Robinson and was unanimously approved.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and William M. Boehme and Associates, for Architectural Services for the Dr. Richard Showers Center roof replacement, as follows:

(RESOLUTION NO. 15-977)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City Huntsville and Dunlap Contracting for construction services for the Dr. Richard Showers Center interior renovations, as follows:

(RESOLUTION NO. 15-978)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Dunlap Contracting for construction services for the Dr. Richard Showers Center exterior renovations, as follows:

(RESOLUTION NO. 15-979)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by

Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Intergraph Corporation, d/b/a Hexagon Safety & Infrastructure, for I/LEADS Upgrade to WebRMS, BI-Direct software and services, custom field data conversion, and custom WebRMS import mugshot interface for the Huntsville Police Department, as follows:

(RESOLUTION NO. 15-980)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Intergraph Corporation, d/b/a Hexagon Safety & Infrastructure, for Mobile for Public Safety (MPS) software and services, as follows:

(RESOLUTION NO. 15-981)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution appointing part-time judges for Municipal Court to serve as substitute judges, as follows:

(RESOLUTION NO. 15-982)

Councilman Russell moved for approval of the foregoing

resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Alisha Moon, as follows:

(RESOLUTION NO. 15-983)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into a real estate purchase agreement between the City of Huntsville and Holmes Farms, LLC, for Greenbrier Parkway, Tract 20, as follows:

(RESOLUTION NO. 15-984)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by President Culver.

President Culver asked if there was any discussion of the above resolution.

President Culver recognized Mayor Battle.

Mayor Battle stated that this item on the agenda, Resolution No. 15-984, as well as the next two items on the agenda, were all real estate contracts, and that it was for the right-of-way for Greenbrier Parkway. He stated that one section of this agreement needed to be amended. He stated that No. 19 in the agreement stated: "In order to be binding, a copy of this Agreement must be executed by both parties on or before

5:00 p.m., CDT, on December 15, 2015." He stated that today's date was December 17, and that this clause should be stricken from the agreement. He stated that he would sign the agreement, and it would then be taken back to the seller to have them reaffirm the agreement.

Mayor Battle stated that this action needed to be taken on all of the agenda items he had just mentioned. He stated that Item 19, entitled "Acceptance," should be deleted in each of the agreements.

Councilman Showers moved to delete Item 19, entitled "Acceptance," in Resolution No. 15-984 and in agenda Items 15.d and 15.e., which motion was duly seconded by President Culver.

President Culver recognized Mr. Shane Davis, Director of Urban Development.

Mr. Davis stated that, as Mayor Battle had said, agenda items 15.c, 15.d, and 15.e were for right-of-way and easements for different phases of Greenbrier Parkway that would be going under the TIF-6 District. He stated that Item No. c, Resolution No. 15-984, was for three tracts, and that it was for just under six acres of right-of-way and easements. He stated that appraisals had been performed on this property and were documented and recorded both in the Legal Department and the Urban Development office. He stated that this was 5.88 acres for \$143,334.

President Culver asked if there was further discussion of

this motion.

President Culver recognized Councilman Russell.

Councilman Russell asked what the motion was concerning these items.

President Culver stated that they were going to take these items individually with regard to the motion to delete an item out of each of these resolutions.

Councilwoman Robinson inquired as to whether it was a deletion or a change.

Mayor Battle stated that it was a deletion. He asked if they could take them one by one and see if they could just delete No. 19, which was entitled "Acceptance." He stated that he believed there had been a motion to delete this item and that it had been seconded.

President Culver stated that they would vote on that, and then they would vote on the resolution.

Mr. Davis stated that he would like to make a clarification on this. He stated that Item 19 in the contract was entitled "Acceptance," and that it was as follows: "In order to be binding, a copy of this Agreement must be executed by both parties on or before 5:00 p.m., CDT, on December 15, 2015."

Mr. Davis stated that they had attempted to get these on the agenda for the first Council meeting in December but had not been able to do so, and that then his office had made an error in not changing the date to December 31, 2015. He stated

that they had caught this after the document had been linked to the agenda, and they had not wanted to take it down and put it back up.

President Culver stated that they would first vote on the amendment to delete Item 19 from Item 15.c on the agenda, Resolution No. 15-984. He stated that the motion had been made and properly seconded and asked if they were ready for the question.

Councilwoman Robinson stated that she had a question for Mr. Joffrion. She asked if this phrase regarding Acceptance was taken out, if it needed to be replaced by another phrase regarding Acceptance.

Mr. Joffrion replied in the negative, stating that it would just be a standard contract, and that it would be effective upon execution by both parties.

President Culver asked if there was any further discussion of the motion on the floor.

There was no response.

President Culver called for the vote on Councilman Showers' motion to delete Item 19 from the agreement, Resolution No. 15-984, and it was unanimously approved.

President Culver asked if there was any further discussion of the above resolution.

There was no response.

President Culver called for the vote on the above

resolution, and it was unanimously adopted.

President Culver moved to delete Item 19, Acceptance, from agenda Item 15.d., which motion was duly seconded by Councilman Showers.

President Culver asked if there was any discussion of the above motion.

There was no response.

President Culver called for the vote on the above motion, and it was unanimously approved.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into a real estate purchase agreement between the City of Huntsville and Holmes Farms, LLC, for Greenbrier Parkway, Tract 22, as follows:

(RESOLUTION NO. 15-985)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by President Culver.

President Culver asked if there was any discussion of the above resolution.

Mr. Shane Davis stated that this contract read just as the Council had amended from Item 15.c, Resolution No. 15-984. He stated that this was for just under 10 acres of both right-of-way and easement for Greenbrier Parkway, Phase 2, which was just south of Highway 20. He stated that the contract amount was \$247,350.

President Culver asked if there was any further discussion of the resolution.

There was no response.

President Culver called for the vote on the above resolution, and it was unanimously adopted.

President Culver moved to delete Item 19, "Acceptance," from agenda Item 15.e.

President Culver recognized Mr. Joffrion.

Mr. Joffrion stated that he would try to make this process a little easier. He stated that there should be a motion and a second on the item itself, and that once it was on the floor, there should be a motion to amend, and the amendment should be voted on, and then there should be a vote on the item as amended.

President Culver's motion died for lack of a second.

President Culver stated that they would regroup and try this again.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a real estate purchase agreement between the City of Huntsville and Holmes Farms, LLC, for Old Highway 20, Phase 1, as follows:

(RESOLUTION NO. 15-986)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was any discussion of the above resolution.

Councilman Russell moved to amend by deleting

paragraph 19, Acceptance, which motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was any further discussion.

There was no response.

President Culver called for the vote on Councilman Russell's motion to delete, and it was unanimously approved.

President Culver stated that it had carried.

Councilman Russell stated that the amendment had been carried and at this time they should discuss the resolution as amended, and then vote on it.

President Culver recognized Mr. Davis.

Mr. Davis stated that this was for the purchase of right-of-way and easement for Old Highway 20 at the intersection of the new Greenbrier Parkway. He stated that this was seven tracts, ranging from one-tenth of an acre to approximately two-tenths of an acre, and that the total contract amount was \$60,082.50.

President Culver asked if there was any further discussion of this item.

There was no response.

President Culver called for the vote on the above resolution, and it was unanimously adopted.

Mr. Davis stated that he wanted to apologize for the confusion on these items. He reiterated that they had

attempted to get them on the agenda for the prior Council meeting, and when they had missed that date, they had just failed to update the date.

President Culver stated that if he could get any amendments in the future in advance, it would help to expedite things. He thanked Mr. Davis for his assistance on this matter.

Councilman Kling read and introduced a resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Jo Somers, as follows:

(RESOLUTION NO. 15-987)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Russell.

President Culver asked if there was any discussion of the above resolution.

Councilman Kling asked if they could be provided some details concerning this position.

President Culver recognized Mr. Davis.

Mr. Davis stated that this was a professional service contract with Jo Somers, to work in the Traffic Engineering Department. He stated that the contract was for 29 hours a week at \$50 an hour, for one year. He stated that Ms. Somers typically helped in upgrading layouts of traffic intersections. He continued that a lot of her work was doing month-to-month

subdivision review, coming over to the Engineering Department and looking at subdivisions from an access management angle.

Councilman Kling stated that any extra positions they might have that would help improve traffic flow and signalization, he would be happy to support.

Councilwoman Robinson asked if it was correct that Ms. Somers was still working with Traffic and would also be working with Mr. Davis.

Mr. Davis stated that she was their representative in reviewing development plans that were submitted for development, on behalf of the Traffic Engineering Department, for compliance with traffic standards.

Mayor Battle stated that Ms. Somers had been under a special contract for awhile.

Mr. Davis stated that it had been for approximately four years, and that she did a phenomenal job for the City.

President Culver asked if there was any further discussion of this resolution.

There was no response.

President Culver called for the vote on Resolution No. 15-987, and it was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute a settlement agreement among the City of Huntsville, the Public Building Authority, Dawson Building Contractors, Inc., Ruffin Enterprises, Inc., Enhanced Technical Construction, Inc., and Richard M. Hall, in that

lawsuit styled "Dawson General Contractors, Inc. vs. The Public Building Authority of the City of Huntsville, et al," in the Circuit Court of Madison County, Alabama, as follows:

(RESOLUTION NO. 15-988)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Russell.

President Culver recognized Mr. Joffrion.

Mr. Joffrion stated that they did not typically discuss settlement agreements in lawsuits, but that this case had been anything but typical, that it was certainly an aberration and an exception in every sense of the word.

Mr. Joffrion stated that this was a settlement agreement with Ruffin Enterprises, Inc., one of the two or three remaining defendants in the jail litigation lawsuit that was scheduled for trial January 4, 2016.

Mr. Joffrion stated that Ruffin Enterprises had been responsible for installing the jail modules in the jail construction project, and that at the time of the termination of the contract, for convenience, their claims against the Public Building Authority and the City of Huntsville were in excess of the claims against them. He stated that at the trial, there was no telling what could happen, that the City could very well prevail. He continued that this settlement agreement that was before the Council acknowledged the risks of going to trial. He stated that the City would not be obligated

to pay Ruffin any monies out of pocket, that this was a conditional settlement agreement, and that it would obligate payment to Ruffin of the first \$225,000, up to that amount, that would be recovered from the other two remaining defendants, if there was any recovery. He stated that if there was recovery for no money, then Ruffin would get nothing; and if there was recovery in excess of \$225,000, Ruffin would get the first \$225,000, and the proceeds would otherwise be distributed in accordance with the lawsuit.

Mr. Joffrion stated that that was what this agreement did and stated that they were asking for the Council's consideration and approval of this at this time.

Mayor Battle stated that this had been a long, drawn-out suit. He continued that Mr. Joffrion and Mr. Fees had done a masterful job on this. He stated that if one would recall, at one point they were being sued for \$8.5 million for terminating a contract. He continued that they had now gotten this down to where they were not going to be liable in this process, that if everything worked out right, they would not be liable for anything, and they would be getting out of this process and finally settling this suit.

Mayor Battle stated that the Council had heard enough about this, and that in seven years, he had heard enough about it, and that this was some of the final strokes of getting this thing done. He stated that they had been very cautious in the way they had structured this, so that whatever happened out of

it, the City of Huntsville was at as little risk as possible to make this happen. He stated to Mr. Joffrion that he had done a great job on this, that he and Mr. Fees had structured this so that the City of Huntsville had not had a huge liability out of this, that it had really diminished much of their liability so that they could move on down the road on this matter.

President Culver asked if there was any further discussion of this matter.

Councilman Kling stated if it was correct that the City had filed suit against Ruffin, and Ruffin had then countersued. He stated that, as he understood it, they were the original plaintiff, and that now it appeared they were backing off on this. He asked if someone could explain this to him.

President Culver recognized Mr. Joffrion.

Mr. Joffrion stated that there were multiple defendants in the lawsuit. He continued that, actually, Dawson General Contractors was the initial plaintiff, that there had been two lawsuits filed that had been consolidated. He stated that Dawson was the plaintiff in one of these lawsuits, and that the Public Building Authority was the plaintiff in the other one.

Mr. Joffrion stated that there were multiple defendants, that most of them were subcontractors of Dawson General Contractors. He stated that all of them had been dismissed from the lawsuit through settlements that had occurred prior to this date. He stated that the fact that they were defendants in the lawsuit did not necessarily mean that they had any

liability toward the Public Building Authority.

Mr. Joffrion stated that, as he had mentioned in his previous remarks, Ruffin Enterprises and some of the other subcontractors did sustain some damages as a result of the termination of the contract. He continued that also, in the City's belief, they had some responsibility for some of the damages toward the Public Building Authority and the City of Huntsville.

Mr. Joffrion stated that the question was, of course, what would a jury do if the case were tried. He stated that there was substantial risk that a verdict would be rendered against the Public Building Authority for an amount of money that would exceed the \$225,000 figure. He stated that the good news on this particular settlement was that it would not cost the Public Building Authority or the City of Huntsville anything, that any recovery would actually come from one of the remaining defendants.

President Culver recognized Councilman Kling.

Councilman Kling stated that from Day One on this process, this Council and previous Councils had followed all the legal advice, the outside attorneys, the recommendation on termination for convenience, everything that had come from the Birmingham attorneys. He stated that he just felt they were not being done right on this process, and that he would just leave it at that.

President Culver stated to Mr. Joffrion that what he was

hearing from him was that this particular proposal was coming out of a bad situation, but that it was kind of a win-win for the City of Huntsville, in that, without regard to what the outcome would be, it was not going to cost the City the \$225,000 per se.

Mr. Joffrion stated that that was correct.

President Culver asked if there was any further discussion of this resolution.

There was no response.

President Culver called for the vote on Resolution No. 15-988, and the following vote resulted:

AYES: Russell, Robinson, Showers, Culver

NAYS: Kling

President Culver stated that the resolution had passed.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Facility Use and Operation Agreement among the City of Huntsville, the Boys and Girls Club of North Alabama, Inc., and the Village of Promise, as follows:

(RESOLUTION NO. 15-989)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

President Culver recognized Mr. Hamilton.

Mr. Hamilton stated that the Council members would recall that as part of the purchase agreement the City had had with

the School System to purchase three schools several months prior, that one of these was the Cavalry Hills facility, where the AAA School had previously been located. He continued that this school had now moved. He stated that as they had described for the Council previously, the purpose the City had for that facility was to aggregate a number of programs that were involved in educational and social enrichment, primarily for children, in that particular neighborhood.

Mr. Hamilton stated that the Council had already approved a lease agreement for a portion of the building to Greengate School, and that they were currently in that facility. He stated that in the future, after some renovations, they would also be able to move some Parks and Recreation programs into the facility, to include being able to expand some of their athletic capacity for youth programs for the Metro League, with basketball tournaments there.

Mr. Hamilton stated that a portion of the facility was also intended for use by the Village of Promise and the Boys & Girls Club. He stated that these two organizations would essentially co-locate, that they would have separate spaces, but that it would be all side-by-side in one part of the building that was specifically designed for the kind of programs these entities ran.

Mr. Hamilton stated that the Village of Promise, through an agreement with the School System, had previously run some of their programs at that facility, and that this agreement would

allow them to go back into some of those spaces and run a number of their educational programs. He stated that while they were primarily for children, there were also programs that specifically assisted young mothers, young families, in educating their children. He stated that this would allow them to locate in there.

Mr. Hamilton stated that it would be a consolidation of a lot of the Village of Promise programs and would actually be an expansion of the Boys & Girls Club capacity, since it would be a new club for them where one did not exist at this time, and allow them to assist children in that neighborhood.

President Culver asked if there was any further discussion of the above resolution.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson asked if there was any space left in the building for other agencies or if this would pretty much fill it up.

Mr. Hamilton stated that they had purposely held one wing in reserve. He continued that some of this was driven by funding being available to do some modifications to the building. He stated that they had needed to go slow in some parts in order to allow themselves to get some monies into the Capital campaign over the next couple of years to make some modifications.

Mr. Hamilton stated that the wing that was on the eastern end of the building, where the cafeteria had been and where the

theater was, General Services had been using for storage, which helped them with some of their needs. He stated that, however, it would be available in the future for other programs that would fit with what they were doing at this facility.

President Culver asked if there was any further discussion of this resolution.

There was no response.

President Culver called for the vote on Resolution No. 15-989, and it was unanimously adopted.

President Culver stated that the next item on the agenda was Legal Department Items/Transactions.

Councilman Showers read and introduced an ordinance vacating Utility and Drainage Easements for Lots 11 and 12, Greenwycke Heights, 1507-1509 (Jimenez-Rodriguez), as follows:

(ORDINANCE NO. 15-990)

Councilman Showers moved for approval of the foregoing ordinance, which motion was duly seconded by President Culver and was unanimously adopted.

Councilman Showers read and introduced an ordinance vacating Utility and Drainage Easements for Lots 225-227 and 260-264, Nature's Landing at The Reserve, Phase 1, (D.R. Horton, Inc., Huntsville), as follows:

(ORDINANCE NO. 15-991)

Councilman Showers moved for approval of the foregoing ordinance, which motion was duly seconded by President Culver and was unanimously adopted.

President Culver stated that the next item on the agenda was the acceptance of a deed concerning Green Cove Road property, a gift from JoAnn Hall.

Mr. Joffrion submitted the following deed for approval:

(DEED)

Whereupon, Councilman Showers moved for approval of the foregoing deed, which motion was duly seconded by Councilman Russell.

President Culver asked if there was any discussion of the above item.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson asked if this was the property they had had in Environmental Analysis.

Mayor Battle replied in the affirmative.

Councilwoman Robinson inquired as to the results of this analysis.

President Culver recognized Mayor Battle.

Mayor Battle stated that this property was an old foundry, and that they had had an environmental done on it. He stated that they had been advised that there were minute traces on the property, if he remembered correctly, but that it was not anything that they would not find in any other portions of that area. He stated that this was a gift of land, gifted to the City of Huntsville for future usage. He stated that they did not know at this time what they would do with it, but that it had been offered as a gift.

President Culver asked if there was any further discussion of this item.

There was no response.

President Culver called for the vote on the above motion, and it was unanimously approved.

President Culver stated that the next item on the agenda was Non-Roster Communications from the Public. He stated that if persons would like to address the Council, they should go to a microphone and state their name and address for the record.

Ms. Jackie Reed, Jack Coleman Drive, again appeared before the Council, stating that she had had the pleasure of welcoming Huntsville's Engineering Department at a City of Madison meeting recently. She stated that she believed this was perhaps an agreement to help financially with the GE plant, that she certainly hoped it was.

Ms. Reed stated that she was concerned and was convinced that Channel 42 was not doing a good job. She stated that she did not know whose job this was in the City but noted that there was more socializing going on than City meetings, such as the Planning Department, the Metropolitan Planning Organization, et cetera. She stated that she wanted to see those meetings and stated that as a New Year's resolution, she was asking the Council to get every meeting that was to be held on that channel. She stated that even the City Council meetings were not on that channel any more. She stated that she did not know whose job that was and that she did not want

to be told that, because she might have to think they should get fired.

Ms. Reed stated that persons needed to do their jobs, that she believed in accountability and responsibility. She stated that she understood the department heads used to have to give them this information, but that she did not know who gave it to them at this time.

Ms. Reed stated that she would like to see them put the prices of the real estate on the agenda any time they bought an easement or a piece of property, so that persons could have this information and would not have to ask too many questions.

Ms. Reed stated that if she sat on the Council, she knew that she could not know her job as well as the current Council members did, noting that they had been there for a long, long time, and that she would have to go through it and learn it. She stated that, however, at this time it appeared there were some problems with the Council. She stated that it seemed like if she were trying to be mean, she would ask for a recall on the elections on three of the Council members, concerning how they made decisions. She stated that she was praying for them, and that they should get their minds right and clean up the city and do what was right, rather than three of them sitting up there and just because of the good old boy system, they wanted to do what was right for a certain few. She continued that they should do what was right for the city and everyone.

Ms. Jo Petersen, Tuliptree Drive, again appeared before

the Council, stating that she would just take another moment, again about a subject that she knew everyone wished would go away. She continued that, unfortunately, she did not see any promise of that.

Ms. Petersen stated to Councilwoman Robinson that she was aware she had said she had driven by the clinic a couple of times and there was no one there. She stated that she knew it was difficult to understand exactly what went on, noting that she had been told this recently by someone who had come by and had a much clearer picture after they had done so.

Ms. Petersen stated that she would like to invite any of the Council members or the Administration who would be interested to come to the locations, noting that she could contact them when protesters were present, either down on Madison Street, which she noted was a horrible thing currently, or up on Sparkman Drive. She stated that she would be happy to contact persons and let them know when the anti-choice protesters were there so that if they wanted to come up and observe for themselves, they could perhaps get a feel for exactly what was going on.

President Culver asked if there was anyone else in the audience who wished to address the Council at this time.

There was no response.

President Culver stated that they were now at agenda Item 14.c. that was now under agenda Item 17. He stated that this was an ordinance amending Chapter 2, Article IV, Division

2, of the Code of Ordinances of the City of Huntsville, Alabama, to insert FTA Procurement Regulations required for all FTA Grantees.

Councilman Kling moved to take Ordinance No. 15-952 off the floor and bring it up for consideration.

Said motion was duly seconded by Councilman Showers.

President Culver asked if there was any discussion concerning this motion.

Councilman Kling stated that he believed they were doing this because of the time line the Public Transit Department was under. He stated that he would agree with the concerns that had been expressed by other Council members that they liked to have these things announced, but that since it had not been announced, he felt this was the next best thing to do, that at least they had been able to spread it out a little so that the public and the Council members could look at the attached paperwork.

President Culver stated that he certainly shared Councilman Kling's view.

President Culver asked if there was any further discussion of the motion.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson asked if the motion was to take it off the floor or if the motion was to approve.

Councilman Russell stated that the ordinance was not on the floor.

President Culver stated that the motion was to put it on the floor.

Councilman Kling stated that it was to take it off the floor for consideration.

Councilwoman Robinson stated that it was never off the floor, that it was just moved to the end of the agenda.

President Culver stated that at this time there was a motion to put the ordinance on the floor for discussion.

Councilman Kling asked if Mr. Joffrion could advise the Council on how this item should be handled.

Mr. Joffrion stated that there needed to be a motion for unanimous consent.

Councilman Russell read and introduced an ordinance amending Chapter 2, Article IV, Division 2, of the Code of Ordinances of the City of Huntsville, Alabama, to insert FTA Procurement Regulations required for all FTA Grantees, as follows:

(ORDINANCE NO. 15-952)

Councilman Russell moved that unanimous consent be given for the immediate consideration of and action on said ordinance, which motion was duly seconded by Councilman Kling, and upon said motion being put to a vote, the following vote resulted:

AYES: Russell, Robinson, Kling, Showers, Culver

NAYS: None

President Culver stated that the motion for unanimous

consent for immediate consideration of and action on said ordinance had been unanimously carried.

Councilman Russell thereupon moved that said ordinance be finally adopted, which motion was duly seconded by President Culver.

Councilman Russell asked Mr. Tommy Brown, Director of Parking and Public Transit, for an explanation of the above ordinance.

Mr. Brown stated that this was just some housekeeping. He continued that they had tried to get this to the Council by the first meeting in December, so they would not have to do this at this time. He stated that it was sent to FTA, that it had to be approved by them before they got to this point because FTA had not wanted to have to look at it twice. He stated that they had begged, cajoled, and called, but it had not gotten done in time to get it before the Council at the prior meeting. He stated that that was why they were presenting this at this time, and he stated he was sorry for this.

Mr. Brown stated that, essentially, there were dozens of requirements for purchasing that applied only to FTA, Federal Transit Administration, funded purchases. He stated that this was over and above what the purchasing department required. He stated that they had these items in policy, they had them in place, and they had been in compliance with these requirements for many years. He continued that, however, these requirements had never been officially approved as a document by the

City Council, and that that was what this ordinance would do.

Mr. Brown stated that in their recent review, this had been pointed out to them, and that was what they were before the Council for, was to consolidate this. He stated that they had been doing these things for years, that this was just that the governing body approved the fact they were doing this. He stated that that was what this was about.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 15-952, and it was unanimously adopted.

Upon motion, duly seconded, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER